

illiyaskutty Vs. State of Kerala

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Court : Kerala

Decided On : Jan-27-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : illiyaskutty

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH MONDAY,THE27H DAY OF JANUARY20147TH MAGHA, 1935 Bail Appl..No. 612 of 2014 ----- CRIME NO. 357/2006 OF CHADAYAMANAGALAM POLICE STATION , KOLLAM DISTRICT. ----- PETITIONER/ACCUSED: ----- ILLIYASKUTTY, AGED42YEARS, S/O.ABDUL REHIM, KOKOOTTUKONATHUVEEDU, RODUVILA, CHERIYAVELINALLUR MURI, VELINALLUR VILLAGE. BY ADVS.SRI.S.RAJEEV SRI.K.K.DHEERENDRAKRISHNAN RESPONDENT/STATE: ----- STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM (C.C NO.1900/2012 JUDICIAL FIRST CLASS MAGISTRATE II KOTTARAKARA). BY PUBLIC PROSECUTOR ADV. SMT. LALIZA. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2701-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Msd. THOMAS P. JOSEPH, J.

===== Bail Application No. 612 of 2014
===== Dated this the 27th day of January, 2014

ORDER

Petitioner is accused in C.C No.1900 of 2012 of the JFMC - II, Kottarakkara for the the offence punishable under Sec.498A3r/w. Sec. 34 of the Penal Code, is in custody from 21.01.2014 and seeks bail.

2. I have heard the learned Public Prosecutor and the learned counsel for the petitioner. 3.Learned counsel submits that the Chadayamangalam police registered Crime No. 357 of 2013 on a private complaint forwarded to it. The police filed final report stating that no offence is committed. That was followed by the de facto complainant filing a protest complaint which learned JFMC II, Kottarakkara took on file as CC No. 1000 of 2007. Since the petitioner was not available, the case against others were proceeded and they were tried and acquitted. Case against the petitioner was re-filed as CC. B.A No.612 of 2014 2 No. 1900 of 2012. Learned counsel submits that the petitioner was abroad from 2012 until 14.01.2014 and in the meantime could not appear in the court for the said reason. Petitioner is in custody from 21.01.2014. Learned counsel submits that the petitioner would go abroad only after the case is disposed of.

4. Having regard to the circumstances, I am inclined to think that custody of the petitioner is not required. I am inclined to grant bail but subject to conditions so that presence of the petitioner for trial is ensured. Petitioner is granted bail in C.C No.1900 of 2012 of the JFMC - II, Kottarakkara and shall be released, if not required to be detained otherwise on his executing bond for Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions:- a) One of the sureties shall be a close relative of the petitioner. b) Petitioner shall surrender his passport before the learned magistrate while executing the bail bond. c) Petitioner shall not go beyond the State of Kerala until disposal of the case, unless it is permitted by the B.A No.612 of 2014 3 learned JFM - II, Kottarakkara or it is to attend any court. d) Petitioner shall not get involved in any similar offence during the period of this bail. e) Petitioner shall not

intimidate/influence the witnesses. f) It is made clear that in case any of the above conditions is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned magistrate as held in P.K. Shaji V. State of Kerala (AIR2006 Supreme Court 100). Sd/- THOMAS P.JOSEPH, JUDGE //true copy// P.A. to Judge Smv

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